



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

September 2, 2015

The Honorable Judge Lynn Adelman
Milwaukee Division
362 United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202

Dear Judge Adelman:

We are writing to inform you of our deep disappointment in your recent ruling to vacate the court's March 17, 2014 record of decision that had allowed the expansion of State Highway 23 from Plymouth to Fond du Lac. It is imperative this project be allowed to begin as soon as possible. The injury and accident rate on this highway has been a problem for a number of years and continues to accumulate each month the delay is extended.

Just since the date of your May 22 decision which effectively put the project on hold, there has been a string of crashes that is sure to continue as winter nears. Here is a list of the serious incidents so far in 2015:

- Jan. 21 – Three vehicle accident causing the deaths of two individuals.
- April 23 – Two vehicle crash with one serious injury.
- July 15 – Three vehicle accident with five injuries including one serious enough to require helicopter transport
- July 24 – Four vehicle accident with nine injuries
- August 30 – Two vehicle crash with one life threatening injury requiring helicopter transport

The following groups have publicly advocated for the Highway 23 project to be reinstated and that construction begin as soon as possible:

- Sheboygan County Transportation Department
- Fond du Lac County Board
- Sheboygan County Economic Development Corporation
- Fond du Lac County Economic Development Corporation
- Sargento Foods, Inc.

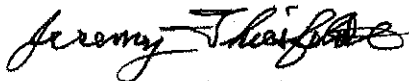
If either you or we could ask the many frequent users of this stretch of state highway for their thoughts regarding its safety, we are certain of the responses we would receive. We have spoken to numerous consistent users of Highway 23, and without fail they feel the project needs to be reinstated. Furthermore, such a conversation would also yield numerous harrowing stories of "close calls" that almost every one of them has experienced on this road.

The 1000 Friends of WI lawsuit which has ultimately led to your decision to place a hold on this project has little to no support in the Fond du Lac and Sheboygan communities. These are almost exclusively people from outside the area who do not consistently use Highway 23 or know anyone who does. The "Friends" objections have been housed in an argument of saving tax dollars but the delays have really cost lives. Most of the accidents that occur on this highway would likely have been averted had the proposed alterations been in place. The agenda of the "Friends" is to fight road enhancements and new construction wherever possible to suit the environmental beliefs of their members—a very small subset of the public. While we respect their beliefs, it is clear that these beliefs are anti-business and the result has been and will continue to be danger to public safety. We are disappointed that their extreme agenda has caused this delay, but we are even more disappointed that you have given them a platform for legitimizing their extremism.

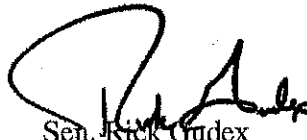
We have included with this letter some crash statistics for the proposed project. In the last 16 years (ending in 2014) there have been 44 non-deer related crashes each year. That amounts to a crash every 8 days just on this stretch of highway. The crash rate also exceeds the state-wide average for similar roadways, further justifying the urgency of beginning this project.

Thank you for your consideration.

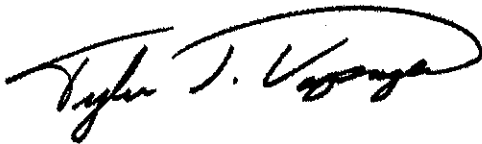
Sincerely,



Rep. Jeremy Thiesfeldt
52nd Assembly District



Sen. Rick Gudex
18th Senate District



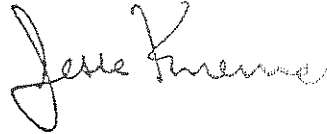
Rep. Tyler Vorpagel
27th Assembly District



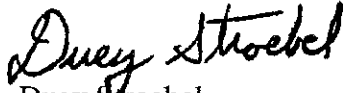
Sen. Devin LeMahieu
17th Senate District



Rep. Terry Katsma
26th Assembly District



Rep. Jesse Kremer
59th Assembly District



Sen. Duey Stroebel
20th Senate District

Enclosure:

Wisconsin Department of Transportation Crash/Fatality Rates on HWY 23 (NE Region)
Sheboygan County Transportation Department
Fond du Lac County Resolution
Sheboygan County Economic Development Corporation
Fond du Lac County Economic Development Corporation
Sargento Foods, Inc.

Year	Crash Rate	PD	C	B	A	Fatal	Total Crashes
1999	65.2	26	1	8	4	1	40
2000	83.1	26	7	10	6	2	51
2001	76.6	24	9	5	8	1	47
2002	71.7	22	9	9	4	0	44
2003	88	27	12	9	6	0	54
2004	91.3	31	11	12	2	0	56
2005	63.6	21	11	3	3	1	39
2006	66.8	20	3	9	7	2	41
2007	75	25	10	9	2	0	46
2008	60.3	28	3	6	0	0	37
2009	68.5	32	4	4	2	0	42
2010	65.2	24	3	8	5	0	40
2011	55.4	23	3	7	1	0	34
2012	62	23	7	8	0	0	38
2013	70.1	28	5	7	2	1	43
2014	76.6	32	9	4	2	0	47
Total	71.2	412	107	118	54	8	699

Segment Crash Rate Worksheet

Project ID:
 Highway: WIS 23
 Termini: US 151 - CTH P
 Description:
 County: Fond du Lac - Sheboygan
 Crash Data Years: 1999-2014
 Deer Crashes Not Included

Number of Years (n): 16

Total Number of Crashes: 699

Total Number of FAT Crashes: 8 1.1%

Total Number of Type A Crashes: 54 7.7%

Total Number of Type B Crashes: 118 16.9%

Total Number of Type C Crashes: 107 15.3%

Total Number of INJ Crashes: 279 39.9%

Total Number of PD Crashes: 412 58.9%

Average Daily Traffic (ADT): 8500

Segment Length (Miles): 19.77

Average Yearly Total Crash Rate: 71.2

(total crashes) * 100000000 / (adt * 365 * length)

Average Yearly Fatal Crash Rate: 0.8

(FAT crashes) * 100000000 / (adt * 365 * length)

Average Yearly Injury Crash Rate: 28

(INJ crashes) * 100000000 / (adt * 365 * length)

Average Yearly Type A Crash Rate: 5.5

(total Type A crashes) * 100000000 / (adt * 365 * length)

Average Yearly Type B Crash Rate: 12.0

(total Type B crashes) * 100000000 / (adt * 365 * length)

Average Yearly Type C Crash Rate: 10.9

(total Type C crashes) * 100000000 / (adt * 365 * length)

Average Yearly Type PD Crash Rate: 42.0

(total PD crashes) * 100000000 / (adt * 365 * length)

State Trunk Highway Crash Rates (Excluding Deer Crashes) 2009-2013

Meta-Manager State Trunk Highway Groups		Total	Total		Injury Type			Property
			Total	Fatal	A	B	C	
1	Rural and Small Urban Freeways	34	0.3	9.0	1.4	4.0	3.6	24.7
2	Rural and Small Urban Expressways	31	0.6	16.1	2.5	6.8	6.9	34.4
3	Rural STN ADT between 3500 and 8700 ADT	68	1.2	25.1	4.5	10.4	10.2	42.1
4	Rural STN ADT between 2000 and 3500 ADT	75	1.4	27.7	5.6	12.0	10.1	46.4
5	Rural STN ADT between 750 and 2000 ADT	97	1.6	36.0	6.9	16.2	12.9	59.0
6	Rural STN ADT less than 750 ADT	153	2.8	63.0	12.7	30.3	19.9	86.9
7	Large Urban Freeways	72	0.5	19.3	1.4	6.0	11.9	52.3
8	Large Urban Divided Highways and One Way	291	0.7	98.0	6.1	28.6	63.3	192.7
9	Large Urban Undivided Highways	435	4.3	141.4	9.7	45.4	86.3	292.7
10	Small Urban STN (excl. freeway, expressways... 1 and 2 above)	222	0.8	66.6	5.9	24.0	36.7	154.3
11	Rural STN ADT greater than 8700 ADT	87	1.2	31.5	4.7	12.3	14.5	47.7
12	Community of less than 5000 population STN	156	0.8	42.2	5.4	16.0	20.7	113.2

Wisconsin Local Road Crash Rates (Excludes Deer Crashes) 2009-2013

Year	Urban Streets							County Trunks						
	Total	Fatal	Total Injuries	Injury Type			Property Damage	Total	Fatal	Total Injuries	Injury Type			Property Damage
				A	B	C					A	B	C	
2009	281	0.5	81	5.9	27	48	200	142	1.6	53	8.4	23	21	88
2010	286	0.6	84	5.9	29	49	202	101	1.3	37	6.6	16	15	62
2011	317	0.6	88	5.8	31	52	228	100	1.5	36	6.0	16	15	62
2012	333	0.7	95	6.3	35	54	237	96	1.2	37	6.0	17	13	59
2013	368	0.7	96	6.2	33	57	272	102	1.2	35	5.4	16	14	67
Ave.	317.0	0.6	88.8	6.0	31.0	52.0	227.8	108.2	1.4	39.6	6.5	17.6	15.6	67.6

Legend:

Total = Total Crashes per 100 million vehicle miles

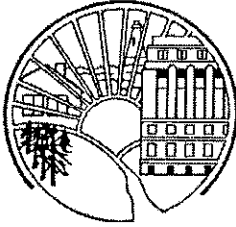
Fatal = Fatal Crashes per 100 million vehicle miles

Injury = Injury Crashes per 100 million vehicle miles

A = Type A Injuries per 100 million vehicle miles

B = Type B Injuries per 100 million vehicle miles

C = Type C Injuries per 100 million vehicle miles



SHEBOYGAN COUNTY

Greg Schnell, Transportation Director

Sheboygan County Transportation Department – Highway Division

July 13, 2015

Wisconsin Department of Transportation
Mark Gottlieb, Secretary
4802 Sheboygan Ave 120B
Madison WI 53705

RE: Letter of Support - State Highway 23 from
Plymouth to Fond du Lac

Dear Secretary Gottlieb:

The Sheboygan County Transportation Committee, at their meeting of Monday, July 6, 2015, made a motion to send a letter of support for the continued effort to construct a four-lane facility on State Highway 23 from Plymouth to Fond du Lac.

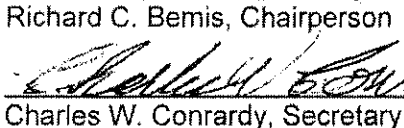
This committee supports the need to provide additional capacity and to improve operational efficiency and safety for the motoring public on existing State Highway 23 from Plymouth to Fond du Lac.

This corridor is extremely important to Sheboygan's, Plymouth's and Fond du Lac's economic development, as well as ensuring efficient transportation of goods and services.

There are a significant number of commuters, as well as travelers, throughout the state that utilize State Highway 23 on a day-to-day basis, sharing the two-lane highway with agricultural vehicles and over the road trucks. Unfortunately, a significant number of accidents continue to occur on the current two-lane facility, including multiple fatalities in the past year. A four-lane facility would lessen the number of accidents and improve safety.


This committee strongly supports fully funding and expediting construction of the Wisconsin Department of Transportation's current proposed four-lane facility on State Highway 23 from Plymouth to Fond du Lac.


Richard C. Bemis, Chairperson


Charles W. Conrardy, Secretary


James P. Glavan, Member



Mark S. Winkel, Vice-Chairperson


Jack Van Dixhorn, Member



City/County Government Center
160 South Macy Street, P.O. Box 1557
Fond du Lac, WI 54936-1557

Ina K. Kueberg
COUNTY CLERK


Fond du Lac County Deputy Clerk
Term expires January 2, 2017

RESOLUTION NO. 36-15

**RESOLUTION SUPPORTING THE WISCONSIN DEPARTMENT OF TRANSPORTATION'S
CONTINUED EFFORT TO CONSTRUCT A FOUR-LANE FACILITY
ON STATE HIGHWAY 23 FROM PLYMOUTH TO FOND DU LAC**

WHEREAS, the Wisconsin Department of Transportation has determined there is a need to provide for additional capacity and to improve operational efficiency and safety for local and through traffic on the existing State Highway 23 from Plymouth to Fond du Lac, and

WHEREAS, Fond du Lac County has gone on record as supporting the construction of a full interchange at County Trunk Highway G and State Highway 23, with the adoption of Resolution No. 135-09 on March 16, 2010, and Resolution No. 42-13 on September 17, 2013, and

WHEREAS, State Highway 23 from Sheboygan past Plymouth is currently a four-lane highway, and the plan to continue construction of that four-lane facility to Fond du Lac was enumerated in the 1999 state budget, and

WHEREAS, the Wisconsin Department of Transportation awarded the contract to begin construction of the State Highway 23 Plymouth to Fond du Lac project in June 2015, and

WHEREAS, after the contract was awarded to start construction, a decision was rendered on May 22, 2015, in the Eastern District of Wisconsin Case 1000 Friends of Wisconsin, Inc. v. United States Department of Transportation, et al., wherein the court concluded that the decision to expand State Highway 23 to four lanes was based on violations of the National Environmental Policy Act that affected informed decision-making and public participation, and the court halted the project by vacating its March 17, 2014, record of decision that approved the expansion of State Highway 23 to four lanes, and

WHEREAS, the State Highway 23 corridor from Plymouth to Fond du Lac is extremely important to Sheboygan's, Plymouth's and Fond du Lac's economic development, as well as for ensuring efficient transportation of goods and services, and

WHEREAS, there is a significant number of commuters, as well as travelers, throughout the state that utilize State Highway 23 on a day-to-day basis, sharing the two-lane highway with agricultural vehicles and over the road trucks, and

WHEREAS, significant accidents continue to occur on the current two-lane facility, including multiple fatalities in the past year, and

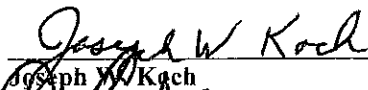
WHEREAS, the Fond du Lac County Traffic Safety Commission met on June 10, 2015, and recommended sending a letter to local legislators and the Wisconsin Department of Transportation strongly advocating that they fully fund and expedite construction of a four-lane facility on State Highway 23 from Plymouth to Fond du Lac as planned.


NOW, THEREFORE, BE IT RESOLVED that the Fond du Lac County Board of Supervisors continues to support the Wisconsin Department of Transportation's proposed construction of a four-lane facility – and opposes anything less than a four-lane facility – from Plymouth to Fond du Lac to significantly improve safety, advance economic growth and support efficient travel throughout the state and requests that the Wisconsin Department of Transportation continues full effort with getting this project back on line for immediate construction.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the appropriate Wisconsin Department of Transportation officials.

Dated July 21, 2015

SUBMITTED BY:
HIGHWAY, AIRPORT AND
FACILITIES COMMITTEE


Joseph W. Koch

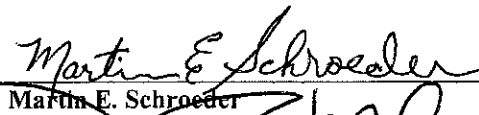

John G. Zorn


Karen Madigan


Richard R. Wetzel


Dennis N. Stenz

SUBMITTED BY:
PUBLIC SAFETY COMMITTEE


Martin E. Schroeder


Dean P. Will



Mary Jean Nicholson


Gary A. Will


Thomas R. Schumacher

FISCAL NOTE: This resolution does not require an appropriation from the county general fund. Funding for the design and construction of the four-lane improvement on State Highway 23 from Plymouth to Fond du Lac will come from appropriations from the state's major highway program.

APPROVED BY:


Allen J. Buechel
COUNTY EXECUTIVE

APPROVED BY:


Meggin R. McNamara
CORPORATION COUNSEL

WISCONSIN 23 ROAD IMPROVEMENT ADVOCACY

Posted by SCEDC on 20 May 2015 | 0 Comments

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May 19, 2015

Senator Alberta Darling, co-chair

Senator Devin LeMahieu

Representative Terry Katsma

Representative Tyler Vorpapel

Representative Jesse Krem

Secretary Mark Gottlieber

Representative John Nygren, co-chair

Senator Duey Stroebel

Room 18 South State Capitol Madison, WI 53708

Attention Elected Officials:

Recognizing that the legislature is currently facing budgetary challenges that require prioritization of expenses, I encourage that you consider making continued progress on the Wisconsin Highway 23 safety project between Plymouth and Fond du Lac one of the highest of road improvement priorities. The need for completion of the project, which was enumerated as a major project in the State of Wisconsin 1999 Biennial Budget, has become dire. This highway is a major connector to Interstate 41 for citizens and companies based in Sheboygan, Sheboygan Falls, Plymouth, Kohler, Port Washington, and Manitowoc to name a few. Sheboygan County has America's third highest concentration of GDP in manufacturing, and that means even more heavy trucks rolling raw materials in and finished products out.

Both Sheboygan County and Fond du lac County are surging economically, consistently overachieving state employment metrics. Today, over 10,000 people traveled into Sheboygan County for work, many on STH 23. Additionally, our many growing Sheboygan County businesses have expanded operations, which increased freight demand on the two-lane portion of the highway, presently making an unsafe road even less safe. Usage will continue to increase, as Sheboygan County employers currently have another 1,900 jobs still to be filled.

Projects upon which local employers currently have in their development pipeline will add even more stress to this roadway. The economic cluster that is driving many of these new jobs (and increased demand for freight) is due in large part to the firmly embedded economic clusters.

I would very much appreciate the opportunity to speak briefly in person or by phone with you about the need for the project to be among the highest of road improvement priorities. I can be reached at (920) 946-9378. Thank you for your consideration to this important matter.

Sincerely,

Dane Checolinski

Director



FOND DU LAC COUNTY

Economic Development

COORDINATED

Looking forward.



September 1, 2015

Representative Jeremy Thiesfeldt
Wisconsin District 52
Room 15 West
Wisconsin State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Representative Thiesfeldt:

Wisconsin Highway 23 from Fond du Lac to Sheboygan is rapidly becoming an economic corridor between two leading manufacturing and economic centers and a vital connection between I-41 and I-43. The current two-lane section that was slated for upgrade to a 4-lane highway is bearing more and more traffic, including heavy trucks.

The opponents say that the two-lane section shouldn't be upgraded to a 4-lane highway because it is "rural". There may be rural land surrounding the highway but that has no bearing on the amount of traffic on the road. Additionally, they argue that the human toll hasn't been taken into account. What about the human toll of deaths and injuries that are occurring at an increasing rate because the highway is under capacity and frankly dangerous? What would they say to families that lost loved ones on the highway?

The highway is not going back in time to the past when it had much less traffic. It is only going to get worse. It is time to get this project done! No more delays and unfounded legal maneuvering by opponents to stop it! These improvements have languished far too long.

On a personal note, I live at the intersection of County Road K and 23. I'm a daily witness to the traffic and dangers of the road. With the heavy traffic associated with St. Mary Springs Academy (which will dramatically increase when the elementary and middle schools are completed) and the increasing traffic on the highway, it is only a matter of time before there is another serious accident at that intersection taking lives again.

It is time for rational minds to prevail.

Sincerely,

Steve R. Jenkins, CEcD
President

(920) 929-2928

116 North Main Street

PO Box 1303

Fond du Lac, WI 54936-1303

info@cedo.com

www.fcedo.com



*Louie Gentile
Chief Executive Officer*

April 30, 2015

Representative Tyler Vorpagel
Room 18 West
State Capitol
Madison, Wisconsin 53708-8952
Sent via email: Rep.Vorpagel@legis.wi.gov

Dear Representative Vorpagel:

I am writing because I am very concerned about discussions that may result in yet another delay in completing the Highway 23 expansion project from two lanes to four lanes from Plymouth to Fond du Lac.

I am a third generation owner and the CEO of Sargento Foods in Plymouth. In addition to our fleet of 43 trucks that deliver product every week, we have nearly 1,800 employees who drive to work, shop, worship, and recreate that use Highway 23. It is the major east-west highway for Sheboygan County, and therefore has heavy traffic. I am not alone in believing that widening of Highway 23 is a vital safety measure for these families.

According to the Wisconsin Department of Transportation: "While the overall corridor [Highway 23] crash rate is at or slightly below the statewide average for a 2-lane rural highway, there are sections at both ends and the center of the corridor that have higher crash frequencies and the crashes tend to be more severe."

A total of 172 non-deer crashes occurred between 2006 to 2010. The corridor had a five-year average crash rate of 60 crashes per 100 million vehicle miles traveled. Of the 172 non-deer crashes, 78, or 45 percent, were associated with intersections. Intersections introduce turning movements where vehicles must cross through Highway 23 traffic.

Highway 23 is approaching the levels (8,700 to 12,000 vehicles per day) where highway capacity expansion improvements are investigated. The average daily truck traffic comprises about 11 percent of the total traffic volume. Current volume is particularly detrimental to roadway operational characteristics because passing requires use of the opposing traffic lane. The high number of trucks creates "platoons" of traffic where vehicles are not able to travel the free-flow speed and have difficulty passing. The truck traffic limits the overall capacity of the existing road with the inability to pass, creating conflicts with slower local traffic, recreational vehicles, vehicles towing trailers, and farm machinery. During peak periods, the average travel speed ranges from 45 to 47 miles per hour (mph) on this roadway, which has a posted speed of 55 mph. This mixture of traffic impedes traffic flow creating unsafe situations and lowers the efficiency of the roadway.

SARGENTO ... *Persnickety People. Exceptional Cheese.*

*Sargento Foods Inc. One Persnickety Place Plymouth, Wisconsin 53073
920-893-8484 1-800-558-5802 FAX 920-892-7900*

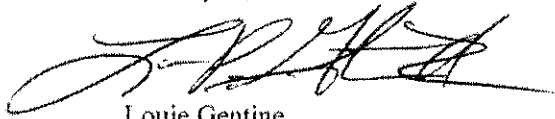
Representative Tyler Vorpapel
April 30, 2015
Page 2

As a two-lane highway, 23 increases travel time – effectively reducing access to regional businesses and potentially hindering economic growth. Local communities will struggle to grow and face increased transportation costs and consumer goods prices. Expansion translates to quicker, more relaxed travel and will increase tourism and access to regional recreational areas.

As you may know, the project was originally scheduled for construction in 2013-2015. Here it is 2015 and it hasn't even been started. The Draft Environmental Impact Statement for this project was signed in November of 2004. A Supplemental Draft Environmental Statement and Final Environmental Impact Study have been released, public hearings have been held, design has been completed and right-of-ways have been acquired.

As you continue to discuss the proposed budget, please do what you can to keep the Highway 23 project moving forward.

Thank you,

A handwritten signature in black ink, appearing to read 'Louie Gentine', with a stylized, cursive script.

Louie Gentine

c: Governor Scott Walker
Senator Devin LeMahieu
Louis Gentine